COMMITTEE OF THE WHOLE
7 March 1990
Case No. 6012

TO: His Worship the Mayor and Members of Council

FROM: Donald F. Murphy, Q.C., Acting City Manager

DATE: 23 February 1990

SUBJECT: Front Yard Parking in Residential Areas

OBJECTIVE

The principal objective of the attached report is to provide an adequate amount of off-street parking in residential neighbourhoods by modifying existing regulations of front yard parking while maintaining safety to pedestrians and motorists and encouraging an aesthetically pleasing environment.

ISSUES

Front yard parking is common in most residential areas. This is regulated by the Land Use Bylaw and restrictions vary depending on the zone and location (i.e., Peninsula or Mainland). However, concern has been expressed by both members of Council and residents. The principal issues are as follows:

1. Definition and Interpretation of Front Yard

By definition, the front yard of a property is the area between the street line and dwelling extending the full width of the lot according to the Land Use Bylaw. With respect to parking, the front yard is interpreted to be the area of the required setback of a dwelling from the streetline, commonly referred to as the "required front yard" and it is within this area that no parking is permitted in some areas and zones of the City.

2. Differences between Peninsula and Mainland Standards

The Land Use Bylaw presently has different provisions for front yard parking for the Peninsula and Mainland. This tends to make the application of standards confusing.

3. Parking on Front Lawns

Parking and storage of vehicles on front lawns appears to be common in many residential areas. This is not regulated by the Land Use Bylaw and leads to unsightly and displeasing situations.

4. Over-utilization of Front Yards for Parking

Many front yards are used entirely for the purpose of parking. The percentage of the front yard that is permitted to be used for parking is presently not regulated by the Land Use Bylaw. This results in aesthetically displeasing situations.

5. Requests for Curb Cuts

Requests for curb cuts for parking spaces considerably smaller than the required 9 feet by 20 feet has become common occurrence in the recent past.

For example, on 18 January 1989, Alderman Meagher asked that staff "consider relaxing the existing requirements for off-street parking areas from 9 feet by 20 feet to 7 feet by 15 feet, rather than to 9 feet by 18 feet ...." Subsequently, Alderman Fitzgerald questioned "why tickets are not issued to persons who destroy the nature of a residential district by parking on the front lawn."

As a result, several staff reports were prepared on these specific issues as well as on other issues regarding front yard parking. Supplementary to these reports staff advised Council that it would conduct a review of front yard parking in residential areas throughout the City. The review includes: (i) an extensive photographic survey of current parking practice; (ii) an analysis of existing City regulations and standards; and, (iii) an evaluation of current practice against current regulations. This review has been completed and is attached as a separate report.

CONCLUSIONS AND RECOMMENDATIONS

Parking in the front yard is both very common and in some circumstances acceptable, and should continue to be permitted. Presently, regulations appear to be both confusing and restrictive, therefore resulting in a number of illegal parking situations such as parking on the front lawn or parking within the

required front yard. Certain aspects of the existing regulations could be modified to simplify their application while increasing the number of potential off-street parking spaces which are aesthetically pleasing.

Based on the findings of the attached report **it is recommended** that Council consider amending the Land Use Bylaw to:

(a) allow parking anywhere in the front yard up to a maximum coverage of 33 percent of the front yard, including the area of setback, in R-1 (Single Family Dwelling), R-2 (General Residential), R-2A (General Residential Conversion and Townhouse) and R-2P (General Residential) zones throughout the City;

(b) ensure that not more than 33 percent of the front yard is of a hard-surfaced and stable substance and that the remaining 67 percent is landscaped open space;

(c) allow for a reduction in the required size for a parking space from 9 feet by 20 feet to 9 feet by 18 feet. No variance to this standard would be permitted;

(d) include "campers" under the same regulations as boats and trailers with respect to parking and storage.

It is further recommended that Council consider amending Ordinance #157 (Minimum Standards for Existing Buildings and Housing Accommodations) to include provisions to ensure that all garages are fully enclosed.

The appropriate legal resolution for these amendments is yet to prepared by staff, and depending on the specific form of regulations chosen, plan amendments for policy support may be necessary. Prior to referring the report to the Planning Advisory Committee Council may wish to direct staff to have a public meeting(s).

Donald F. Murphy, Q.C.
Acting City Manager

/dac
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Approved by:
Richard J. Matthews, Director of Development and Planning

INTRODUCTION

The Front Yard Parking Study examines the issue of front yard parking in residential zones throughout Mainland and Peninsula Halifax.

The research has been conducted in three forms: (i) an extensive photographic survey; (ii) a review of existing City regulations and standards; and, (iii) an evaluation of current practices against regulations. The photographic survey was carried out by Ricardo Dores. Bianca M.V. Bielski, Planner, conducted the research and analysis under the supervision of W.B. Campbell, Senior Planner.

Richard J. Matthews
Director of Development
and Planning

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EXECUTIVE SUMMARY

Parking in the front yard is presently permitted in residential areas throughout the City. This is regulated by the Land Use Bylaw and restrictions vary depending on the zone and location (i.e., Peninsula or Mainland).

Research and analysis, based on a comprehensive photographic survey and site inspections, illustrates that front yard parking is both a common and acceptable provision. However, more effective controls can ensure quality design, safety to pedestrians and other motorists as well as increasing the number of off-street parking spaces while encouraging and maintaining an aesthetically pleasing environment.

The definition and interpretation of front yard and the differences between Mainland and Peninsula standards represent some of the problems encountered with the present regulations for front yard parking. Other issues include parking on front lawns, over-utilization of front yards for parking and requests for curb cuts for parking spaces smaller than the permitted 9 feet by 20 feet.

This report: (i) reviews current parking practice in R-1 (Single Family Dwelling), R-2 (General Residential/Two Family Dwelling), R-2A (General Residential Conversion and Townhouse) and R-2P (General Residential) zones in the City; (ii) documents current regulations and standards; and, (iii) evaluates current practices against regulations to determine whether changes are deemed appropriate to ensure that front yard parking remains a compatible provision in residential neighbourhoods throughout the City.

The principal findings of this study are as follows:

- front yard parking is common practice in all residential zones.

- where parking is a requirement it is prohibited in the required setback (i.e. the required front yard) in all residential areas.

- residents park their vehicles anywhere in the front yard, not distinguishing between the front yard and the required front yard (i.e. the required setback) therefore resulting in illegal situations.

- although not permitted in residential areas in the Mainland, front yard parking occurs often as a result of a combination of factors including topography, location

of dwelling, convenience and many households having more than one vehicle.

- the parking of vehicles on front lawns was frequently observed, particularly in Peninsula areas, also, encroachment over street lines and sidewalks is frequent.

- the over-utilization of front yards for parking was frequently observed, particularly for small apartment buildings.

- the minimum dimensions of 9 feet by 20 feet for a parking space could be reduced to 9 feet by 18 feet.

- no provisions exist for regulating the parking and storage of campers.

- there are some cases where garages have been constructed without a door. Provisions could be made ensuring that all garages constructed must be fully enclosed.

The report is organized as follows. First, there is an overview of the current regulations of front yard parking. These include the Land Use Bylaw, Ordinance #180, and the Motor Vehicle Act. This is followed by a detailed summary of the main observations from the photographic survey and site inspections. An analysis of these observations supports conclusions presented at the end of the report. Recommendations have been made where deemed appropriate.

REGULATIONS

There are three principal forms of regulation which provide controls on front yard parking. These include: (i) the Land Use Bylaw (LUB); (ii) the Nova Scotia Motor Vehicle Act (MVA); and, (iii) Ordinance #180 (Streets Ordinance).

Land Use Bylaw

Different provisions for front yard parking exist for the Peninsula and Mainland areas of the City. These can be found in Appendix III and are summarized below.

Peninsula Section

R-1 (Single Family Dwelling) Zone

Parking is not permitted in areas where building lines are established.[1]

In the South End area of the Peninsula, one parking space per dwelling unit is required for detached one-family houses converted to two or three units.

The required setback for structures in R-1 zones is 15 feet from the streetline. Where parking is required, it is exclusive of this area.

R-2 (General Residential) Zone

R-1 or R-2 uses in Peninsula Centre must provide one parking space for each dwelling unit 800 square feet or greater and one parking space is required for each two dwelling units less than 800 square feet.

For buildings existing prior to 11 May 1950, which are converted to 2 units, one parking space is required for each of the dwelling units; exclusive of the required front yard and entrance or driveway leading to the buildings, and must also be separately accessible and at least 9 feet wide by 20 feet long.

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[1]Building lines are special lines that regulate the position of buildings in relation to the street. They only exist on the Peninsula and only on certain streets for setback due to future widening and aesthetic purposes. There is a general provision in the LUB which prohibits the parking of vehicles between the street line and building lines as shown in Building Line Plan TT-1820486.

For three and four unit buildings, one parking space is required for each unit. They must be: exclusive of the area of the required front yard (i.e., the minimum setback) or driveway leading to such parking space; be separately accessible; and measure at least 9 feet wide and 20 feet long.

There is a 15 foot minimum setback requirement for structures except for Peninsula Centre where setbacks are determined by the existing setbacks of surrounding buildings.

R-2A (General Residential Conversion and Townhouse) Zone

Parking requirements similar for the R-2 zone apply. However, buildings existing prior to 17 September 1987, which undergo additions to a maximum of fourteen units, and for three and four unit apartment buildings, one parking space is required for every two dwelling units less than 800 square feet and one parking space is required for each unit 800 square feet or greater. These are to be exclusive of the required front yard and the entrance or driveway leading to the space.

For each rowhouse, one parking space is required. It must be separately accessible, measure at least 9 feet wide and 20 feet long, and be exclusive of the required front yard and the entrance or driveway leading to the building.

Setback requirements in the R-2A zone are not specific. They depend on the existing setbacks of surrounding buildings.

These provisions are illustrated in Figure 1.

Parking of Boats and Trailers

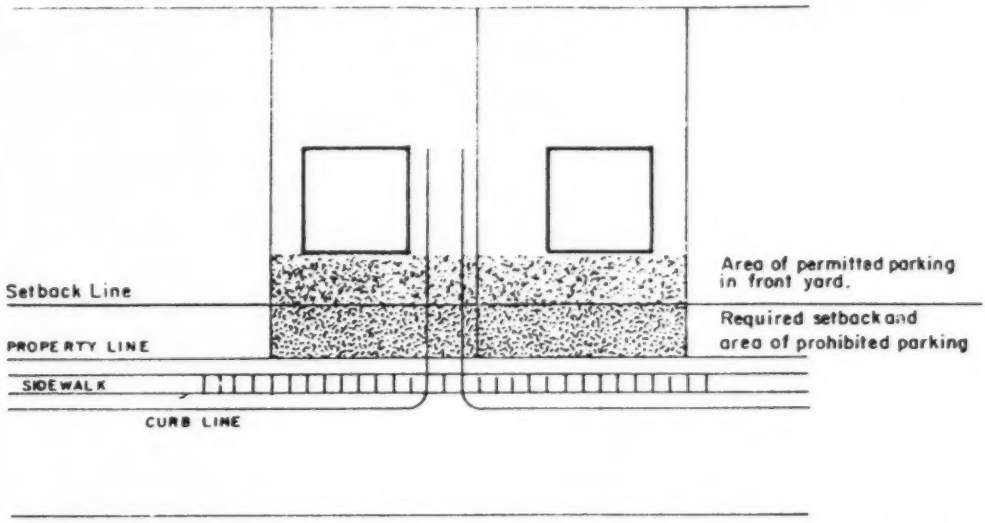
One boat, with or without a trailer, and one or more trailers, none of which may exceed 23 feet in length, may be parked or stored upon a lot subject to the following conditions:

(a) for apartment houses, boats and trailers must be parked in spaces that are in addition to the required number of parking spaces for vehicles for the buildings; and

(b) in other types of dwelling units, as many boats and trailers as can be parked indoors are permitted (i.e., a garage or carport). Outdoor parking of boats and trailers must be behind a line parallel to the street line drawn between two adjacent buildings extending from the front wall of the building which is further from the street.

Figure 1

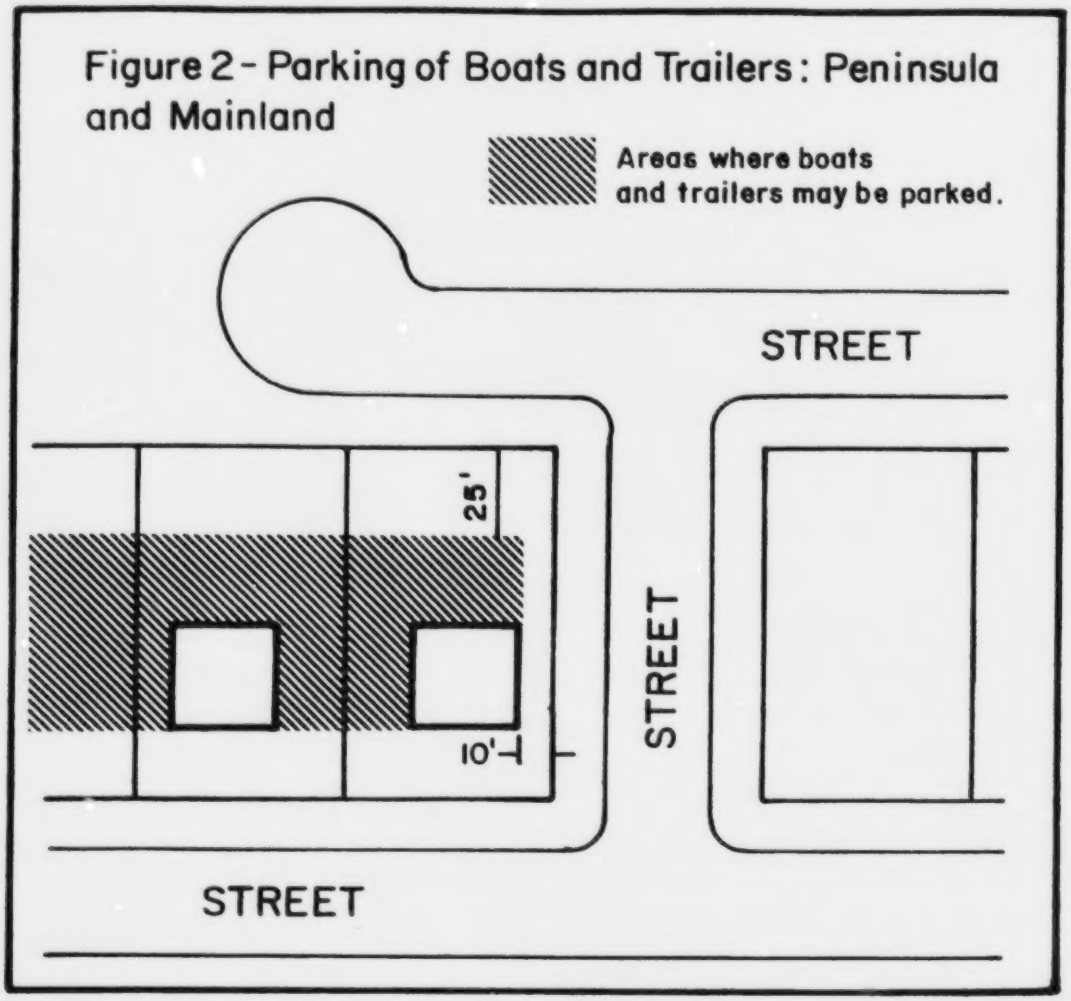
RESTRICTIONS APPLICABLE TO FRONT YARD PARKING REGULATIONS FOR R-1, R-2, R-2A (PENINSULA), R-2P (MAINLAND) ZONES.



In cases where a side lot line abuts a street, boats and trailers must be parked or stored at least 10 feet from the side lot line or behind the setback of the main building, whichever is the greater distance; and where a rear lot line abuts a street, boats and trailers must be parked or stored at least 25 feet from the rear lot line.

Boats and trailers are permitted to be parked on a lot in R-1 and R-2 zones for the purpose of loading and unloading. Trailers and boats cannot be parked between the street line and the special building line.

Figure 2 illustrates the areas of legal parking for boats and trailers. The intent of these restrictions is primarily to keep them as much out-of-sight as possible.



Mainland Section

R-1 (Single Family Dwelling) Zone

All uses must have one off-street parking space per dwelling unit exclusive of the front yard (i.e not within the required setback). This space must measure 9 feet in by 20 feet.

There is a 20 foot minimum setback requirement for structures.

R-2 (Two Family Dwelling) Zone

Regulations and setback requirements are the same as those for the R-1 zone.

R-2P (General Residential) Zone

Parking requirements are the same as for R-1 zone. The minimum setback for structures is 15 feet.

These provisions are illustrated in Figure 1.

Development Agreements

Front yard parking has been permitted in some development agreements (e.g., Schedule "K"). When developments are considered by agreement, standards may be established different from the by-right standards. Schedule "K" developments in Mainland North are an example where due to particular design constraints such as topography, special provisions were made for parking in front yards (e.g., Turnberry Lane).

Parking of Boats and Trailers

Provisions controlling the parking and storage of boats and trailers in the Mainland are the same as those for the Peninsula as discussed above.

Motor Vehicle Act (MVA)

The MVA prohibits the parking of a vehicle on or over a sidewalk (See Appendix IV). This is illustrated in Figure 3. It is an offence to drive within any sidewalk area, except when crossing onto a driveway.

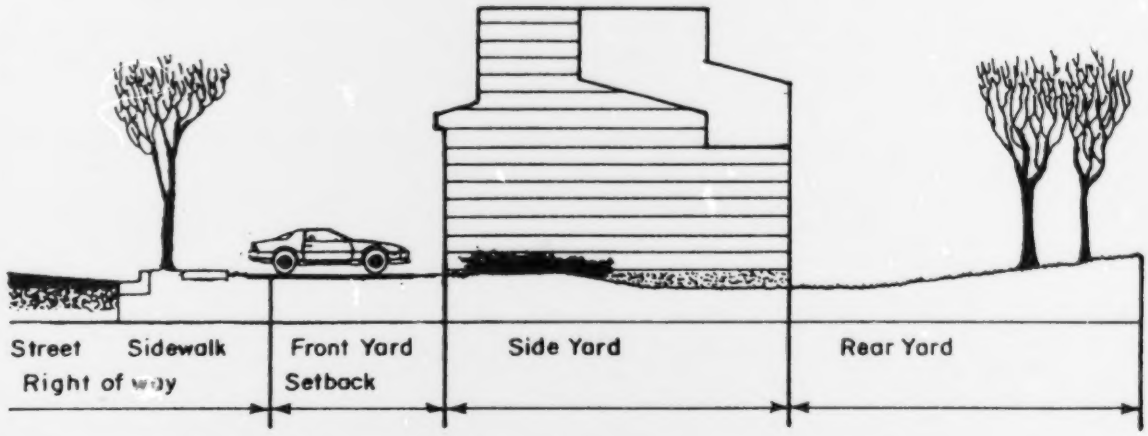
The MVA provides for a winter parking ban whereby, traffic authorities may prohibit or restrict the parking of vehicles on public streets between the fifteenth day of November and the fifteenth day of April for the purpose of winter maintenance activities. The lack of on-street parking in winter months makes parking difficult in some areas of the City and may force people to park illegally in front yards.

Ordinance #180 (Streets Ordinance)

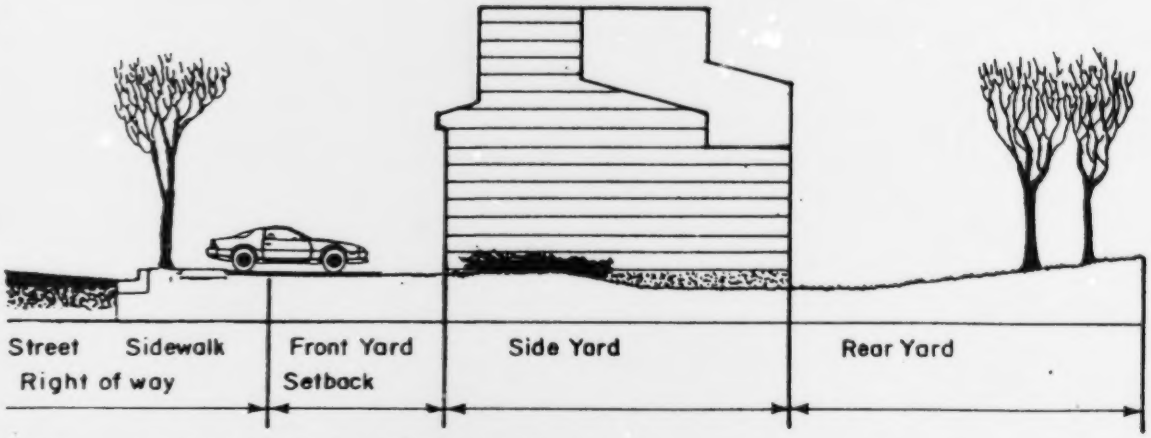
Ordinance #180 prohibits the encroachment of a vehicle over the street line. This is illustrated in Figure 3.

In addition, where a lot has access to a street by a driveway, vehicles must use the driveway to enter or leave the lot. It is illegal to drive a vehicle over a curb. In terms of front yard parking, it is illegal to access a parking space by other than a driveway ramp following a curb-cut. Therefore any parking must be preceded by a curb-cut. The ordinance permits the Director of Engineering and Works to refuse to permit a curb-cut necessary for a driveway and hence parking space which does not conform to a number of classifications outlined in the ordinance (See Appendix V).

Figure 3: Parking Encroachments



Encroachment over Street R.O.W.



Encroachment over Sidewalk

OBSERVATIONS

General

Observations were made during field work and the subsequent analysis of photographs collected. Front yard parking is a widespread practice and appears to occur for the following reasons:

(a) The required front yard is the only available space on the lot in which parking is possible. This is often a result of small lots with narrow side yards which do not allow access to vehicles or little or no setback;

(b) Natural physical features such as topography severely restrict locations to park or store vehicles, (most apparent in the Mainland where there is often a steep grade between the street line and the dwelling);

(c) Increasingly where households have more than one car, one or more of the vehicles ultimately ends up being parked in the required front yard. Many lots have only sufficient space for the parking of one vehicle. Generally, it is only lots that are substantially larger than the required minimum that can accommodate the parking of more than one vehicle;

(e) Modifications or additions to the dwelling result in the inability to park vehicles other than in the required front yard. Examples of these include the conversion of a garage or carport, the erection of permanent structures such as stairs, creation of a patio or deck, a fence, and changes in landscaping.

Encroachments on the sidewalk and street line appear to occur because many lots are so small that they barely have the required setback or on the larger lots because more than one vehicle being parked in an inadequate space.

Trailers, boats, and campers were found parked in spaces designated for vehicles. This forced vehicles to park in the front yard or over the street line or sidewalk.

Extensive utilization of front yards was common for small apartment buildings of 3 or more units. This resulted in the paving of entire yards which is generally considered to be unsightly.

Peninsula

Generally, there does not appear to be a problem with front yard parking in R-1 (Single-Family Dwelling) zones due to the larger lot sizes. Lots in this zone have comparatively deep setbacks and large front yards able to accommodate parked vehicles. Setbacks are deep enough to allow vehicles to park in the driveway although many lots have a garage in the side or rear yard. Parking spaces in R-1 zones tend to be within the LUB requirement of 9 feet by 20 feet.

In R-2 (General Residential) and R-2A (General Residential Conversion and Townhouse) zones, where lots are smaller, parking on the front lawn, encroachment over the street line or sidewalk, and over-use of front yards is more apparent. Examples are found on Chestnut Street, McLean Street, and Quinpool Road.

Lot sizes tend to be smaller in the older, higher density neighbourhoods with many of them being an average of 2,500-3,000 square feet. Setbacks and other lot dimensions reflect the standards under which they were erected, not the current LUB provisions. This results in little if any provision for off-street parking in some neighbourhoods. Encroachment over the street line and sidewalk and parking on the front lawn appear frequently. Most dwellings in these older areas have narrow side yards, small setbacks, and narrow or non-existent driveways and therefore often had vehicles parked on the front lawn or parked in the side yard resulting in encroachment on City property. Examples are found on Allan Street, Cork Street, and Beech Street.

Extensive paving of front yards (i.e., more than for the purpose of a driveway) is common. This is found in R-2 zones where there are small apartment buildings of three or more units. Examples are found on Chebucto Road, Connaught Avenue, and Desmond Street.

Mainland North

Generally, dwellings located in R-1 zones in Mainland North have large setbacks, greater than the minimum requirement of 20 feet, a garage or carport, and a driveway. Normally these dwellings have adequate parking space separate from the required front yard. The size of the spaces are often in excess of the minimum requirements resulting in the significant use of front yards. Many lots are large enough to provide space for more than one vehicle in accordance with current standards.

Conversely, dwellings in R-2 and R-2P zones often have smaller setbacks resulting in encroachment on the sidewalk or street line and illegal parking in the required front yard.

Mainland South

Generally, lots in R-1 zones provide reasonable accommodation for parking spaces. However, there is a high percentage of the smaller lots with restrictive physical features, and housing predating the adoption of the LUB, where parking is not meeting City regulations.

Front yard parking appears more in R-2 zones of Mainland South. The principal problem is vehicles parking over the street line or the sidewalk. This is due to the lack of definition between the street line and lot line because there is neither a sidewalk nor curbs. Such situations are both unsightly and unsafe. Examples of this were found in the area bounded by Herring Cove Road between St. Margaret's Bay Road and Old Sambro Road, and between the Northwest Arm and North West Arm Drive. Several examples were also found in the areas adjacent to Herring Cove Road.

Most dwellings in R-2 zones do not have setbacks much greater than the required distance of 20 feet therefore resulting in vehicles being parked illegally in the required setback.

In all residential zones many lots are unable to accommodate the legal parking of vehicles due to topography, dwelling location and lot size. Parking occurs in the front yard but not in accordance with LUB regulations. More specifically, most parking of vehicles occurs in the area of the required setback. Examples of this can be found on Edgehill Road and Stonehaven Road where steep grades and small lot frontages result in situations of illegal parking.

Schedule "K"

Developments under Schedule "K", a Comprehensive Development District where all development is by development agreement deserve special mention (see Appendix II).

Specific reference is made here to the Langbrae subdivision. Kilbirnie and Turnberry Lanes are areas where permission for front yard parking was granted through contract. The development agreement required two parking spaces although they did not have to be separately accessible. Parked vehicles could not overhang the street line but could be located in the front yard. Reduced front yards, to as little as 5 feet in depth, were also approved. This occurred as a result of a specific request by the developer to alter standards to reduce front yards to accommodate specific topographic conditions.

Type of Vehicles - Peninsula and Mainland

The type of vehicles encountered throughout the Peninsula and Mainland areas vary widely. The most commonly observed include the "family-type" car, motorcycles, pick-ups, vans, boats, trailers, and campers. The size range within each of these categories varies widely. The "family-type" car was the most commonly encountered and these were well accommodated by the permitted 9 feet by 20 feet space. Few motorcycles were observed. By their very nature these vehicles provide insignificant parking and storage problems. Few pick-ups and vans were observed.

Boats, trailers, and campers were quite common. Most were parked in accordance to regulation; however, campers were seen parking in yards for the purpose of temporary parking or storage. The primary problem with the parking of these oversized vehicles was that often they were parked in the designated space for the household vehicle thereby forcing the vehicle over the street line. This situation was most evident in areas of Mainland North and in R-1 zones of the Peninsula.

ANALYSIS & DISCUSSION

Parking in the front yard is both very common and acceptable throughout the City and should continue to be permitted. Presently regulations appear to be both confusing and restrictive therefore resulting in a number of illegal parking situations such as parking on the front lawn or parking within the required front yard. Certain aspects of the existing regulations could be modified to simplify their application while increasing the number of potential off-street parking spaces which are aesthetically pleasing.

Location of Parking Spaces

Illegal parking primarily occurs because the Land Use Bylaw prohibits the parking of vehicles in the required front yard (i.e., the required setback). All residential zones have setback requirements and it is within this area that it is not permitted to a park a vehicle when parking is a requirement. Most dwellings have barely the required setback (i.e., 15 feet for most residential zones on the Peninsula and 20 feet for most residential zones on the Mainland). The standard size for a parking space is presently 9 feet in width by 20 feet length. Therefore, unless the dwelling is setback approximately 40 feet from the streetline (i.e., 20 feet of setback and 20 feet for the parking space) parking, although not permitted, occurs within the required setback. Also, parking occurs within the required setback due to topography (i.e. steep grades), dwelling location and lot size which all dictate the possible locations to park on a lot.

Front yard parking should be permitted throughout residential areas so long as it is aesthetically pleasing. Observations reveal that vehicles parked in the required setback are not anymore unsightly than those that are not. Parking within the area of the required front yard is considered aesthetically pleasing so long as the entire front yard is not used for parking. This could be implemented by allowing parking anywhere in the front yard (inclusive of the area of setback) so long as only a maximum of 33 percent of this area was used for this purpose.[2]

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[2]33 percent was determined from a number of calculations based on a range of lot sizes. Consideration was also given to different setbacks (See Figure 4). A 33% coverage will allow for 2 parking spaces on a standard R-1 and R-2 lot (i.e. 5,000 s.f. with a 20 ft. setback) on the Mainland. However, on similar lots on the Peninsula the setback requirement is 15 feet therefore although 1 parking space would be permitted applying the 33% coverage, this space would have to be parallel to the street.

FIGURE 4 : AVAILABLE FRONT YARD PARKING FOR A RANGE OF LOT SIZES AT 33% COVERAGE

	Lot Size (Sq. Ft.)	Set Back	Front Yard (Sq. ft.)	33% Front Yard (Sq. Ft.)	No. of Spaces
Undersize	2500.00	5.00	125.00	41.25	0.00
Lot	2500.00	10.00	250.00	82.50	0.00
	3000.00	10.00	300.00	99.00	0.00
	3000.00	15.00	450.00	148.50	0.00
	3000.00	20.00	600.00	198.00	1.00
Min.	4000.00	10.00	400.00	132.00	0.00
Peninsula	4000.00	15.00	600.00	198.00	1.00
	4000.00	20.00	800.00	264.00	1.00
Min.	5000.00	10.00	500.00	165.00	1.00
Mainland	5000.00	15.00	750.00	247.50	1.00
	5000.00	20.00	1000.00	330.00	2.00
Oversized	6000.00	10.00	600.00	198.00	1.00
Lot	6000.00	15.00	900.00	297.00	1.00
	6000.00	20.00	1200.00	396.00	2.00
	6500.00	10.00	650.00	214.50	1.00
	6500.00	15.00	975.00	321.75	1.00
	6500.00	20.00	1300.00	429.00	2.00
		Lot Depth:	100.00		

N.B.(i) Standard measurements for lot sizes have been used.
(ie 25'x 100', 30'x 100',etc.)
(ii) 15' = Minimum setback for R-1, R-2 Zones. (Peninsula)
(iii) 15 feet is the minimum setback for R-2A Zones. (Mainland)
(iv) 20'= Minimum setback for R-2 Zones. (Mainland)
(v) Based on proposed 9'x 18' standard sized parking space.

This could diminish the occurrence of illegal parking as well as increasing the number of off-street parking spaces. It could also allow for more off-street parking spaces where factors such as topography restrict options.

Staff examined a number of lots in recent developments and the percentage of front yards that is being used for the purpose of parking. This was to ensure that 33 percent would be reflective of existing parking conditions. Investigations reveal that approximately 15 to 35 percent of front yards are utilized for parking.

The surface material of the parking space should be regulated (i.e. should be a hard surfaced and stable material). This would allow for only 33 percent of front yards in residential neighbourhoods to be hard-surfaced and ensure that the remaining 67 percent be landscaped. Regulating the area of the front yard that is used for parking would control the over-utilization of front yards for parking and ensure that it is aesthetically pleasing. Currently, the LUB regulates parking in the front yard in residential areas of the Mainland, however, it only establishes minimum standards. As a result, significant utilization of front yards for parking appears to be common particularly for small apartment buildings. Extensive paving of front yards is generally seen as aesthetically displeasing in residential areas.

Also, restricting parking anywhere but in an area designated for parking make enforcement easier and diminish parking on the front lawn. Parking on the lawn is generally perceived as unsightly in residential neighbourhoods. The parking of vehicles on the grassed area of the front yard occurs as a result of the lack of a properly designated and surfaced space for the accommodation of vehicles. Presently the LUB does not regulate parking on the front lawn nor does it regulate the surface material of parking spaces.

Size of Parking Spaces

The minimum size of a parking space is 9 feet by 20 feet. This standard is regulated by the LUB.

Lately, conflicts have arisen as a result of curb cuts being refused on the basis that the lot could not accommodate the minimum parking space without contravening the Ordinance 180 (i.e encroachment onto the street). The most recent, are requests for curb cuts on Chebucto Road and Beech Street.

As a result of such conflicts, amendments to the LUB were proposed by staff at the request of Council. The changes addressed those

properties having limited area for parking by proposing specific standards and minimum requirements for off-street parking.

The report (28 November 1988) included a comprehensive review of automobile sizes (See Appendix II). The main conclusion was that approximately 95 percent of 1989 automobiles could be accommodated by a parking space of 18 feet in length. Staff subsequently recommended changing the existing requirements for an off-street parking area from 9 feet by 20 feet to 9 feet by 18 feet. It was the opinion of staff that this reduction reflected the downsizing of the late 1980's automobile.

It was also determined that a reduction to 16 feet would result in 35 percent or more of cars encroaching over the sidewalk, using the 1989 model year.

Earlier this year, it was requested by Alderman Meagher that the standard for parking spaces be further reduced for Peninsula areas to 7 feet by 15 feet as a result of many properties in the older neighbourhoods being unable to meet current regulations. However, this size only considers the size of the vehicle and neglects manoeuvring of the vehicle and the opening and closing of doors. A reduction to 7 feet by 15 feet is inappropriate for it would encourage the encroachment of vehicles over both the street line and sidewalk. It was estimated that approximately 66.6% of vehicles on the road today are in excess of 15 feet in length. Staff continues to advocate a reduction of the required size to no smaller than 9 feet by 18 feet and that this size be uniform throughout the City.

Boats, Trailers and Campers

The LUB separates regulations regarding trailers and boats from motor vehicles (see Appendix III). However, there are no provisions for the regulation of the parking and storage of campers (recreational vehicle). Campers were observed in residential neighbourhoods and appeared to increase parking problems (often creating situations of illegal front yard parking).

Campers are classified as recreational vehicles, and are larger and heavier than the family-type automobile (similar to boats and trailers). They should be regulated similar to boats and trailers.

Winter and Front Yard Parking

The winter parking ban is a well known practice which restricts vehicles from parking on City streets during certain periods of the year. The main purpose being for the efficient removal of snow. It is enforced by the MVA and is applicable from 15 November

to 15 April.

Front yard parking apparently increases during the winter parking ban due to a decrease of available on-street parking spaces. Often, this is illegally done.

Garage Door Regulations

Of recent, discussions regarding the aesthetic effects of garages which have exposed frontages and face a public street have been raised. Garages without doors may have negative aesthetic impacts on the streetscape and the surrounding neighbourhood.

The City does not regulate the provision of garage doors. As a result some dwellings (i.e. Monastery Lane, Duncan Street) have constructed garages without doors. The provision of garage doors would be regulated by Ordinance #157 (Minimum Standards for Existing Buildings and Housing Accommodations). Provisions could be included to ensure that all garages must be fully enclosed.

CONCLUSIONS

The purpose of this review was to investigate the current practices of front yard parking throughout the City with respect to existing regulations and standards controlling this practice. Observations reveal that front yard parking is both common practice and an acceptable practice within residential neighbourhoods.

Location of Front Yard Parking

At present, there are varying standards for front yard parking provided by the LUB for Mainland and Peninsula areas. Front yard parking should be a permitted use. Therefore parking should be permitted anywhere in the front yard (i.e. inclusive of the area of setback) up to a maximum of 33 percent coverage. This area used for the purpose of parking should be constructed and maintained with a stable surface such as asphalt, concrete, stone or brick and the remaining 67 percent should be landscaped. This requirement should apply to all R-1, R-2, R-2A and R-2P zones throughout the City and no variances should be permitted.

Under Ordinance #180 it is illegal for a vehicle to encroach over the street line. With this regulation an approximate 2 foot buffering is maintained which assists in discouraging encroachment over the street line and sidewalk. This should be maintained.

Size of Parking Space

Based on previous reports, the minimum size of a parking space should be reduced from 9 feet by 20 feet to 9 feet by 18 feet. Any further reduction would result in increased instances of encroachment over the sidewalk and street line. It is important to maintain one standard which will satisfy the majority of parking situations therefore there should be no variance to this minimum standard permitted. This regulation should apply to all off-street parking spaces in residential areas throughout the City.

Parking of Boats, Trailers and Campers

Boats, trailers, and campers were frequently observed throughout residential neighbourhoods in both Mainland and Peninsula areas. LUB provisions specifically address the parking of motor vehicles, boats, and trailers, however, no specific reference is made to campers.

The parking and storage of campers should be administered and regulated by the LUB similar to boats and trailers. This would allow for the regulation of all large vehicles under the same standards.

Garage Doors

The provision of doors on garages in residential areas is the norm rather than exception throughout the City, however, they are not required by regulation. There are examples where doors have not been provided for garages. Regulations should be provided in Ordinance #157 to ensure that all garages constructed are fully enclosed.

APPENDIX I: DEFINITIONS

"camper": a motor vehicle designed or reconstructed, equipped and used or intended to be used primarily for sleeping, eating and living quarters, and includes a motorized home or a bus converted for such purposes (Motor Vehicle Act).

"curb cut": unless used for a pedestrian ramp is equivalent to a "driveway" (Ordinance #180).

"driveway": any area designed for or used by vehicles to enter or leave a street (Ordinance #180).

"front yard": a yard extending across the full width of the lot from the street line of the lot to the front wall of the building (Land Use Bylaw, Peninsula Section).

"required front yard": the portion of a lot between the street line and a line equal to the minimum front yard setback as required by the Land Use Bylaw and extending the full width of the lot.

"setback": the distance a building must be located from a lot line or street line.

"sidewalk": that portion of a highway between the curb line and the adjacent property line or any part of a highway especially set aside for pedestrian travel and separated from the roadway (Ordinance #180).

"street line": the boundary of a street (Land Use Bylaw, Peninsula Section).

"trailer": a vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle and includes self-contained commercial units, such as compressors, generators, welders or other utility equipment or farm machinery, designed to be drawn by a motor vehicle (does not include motorized homes or campers) (Motor Vehicle Act).

SUPPLEMENTARY REPORT
COMMITTEE OF THE WHOLE
7 DECEMBER 1988

APPENDIX II

TO: His Worship the Mayor and Members of City Council

FROM: Paul Calda, P. Eng., City Manager

DATE: 28 November 1988

SUBJECT: Ordinance # 180 - Amendments

At the 9 November 1988 meeting of the Committee of the Whole Council, the matter of amending Ordinance # 180 was deferred awaiting a staff report. Respecting the report dated 4 November 1988, the following information applies.

Question:

Alderman Meagher addressed the matter indicating that he felt the amendments proposed by staff were more restrictive than the original regulations. Alderman Meagher indicated that he did not believe that under the proposed regulations a citizen would even have an appeal to Council.

Referring to Item 2, Section 20 Alderman Meagher indicated concern that the powers of the Director as contained in this Section would be absolute should these amendments be approved. Alderman Meagher went on to refer to the section of the Ordinance dealing with the width of the ramp and the length of the driveway and suggested that the width of the driveway shuld be between six and nine feet, however, he indicated that he felt there should be no minimum length for a driveway.

Response:

Relative to Item # 2, Section 20 of the report dated 4 November 1988 about the powers of the Director of Engineering and Works, Council has the absolute power by writing the Ordinance. The Director administers Council's wish. The amending of Section 20 is intended to provide consistency within the Ordinance. If the applicant is not in agreement with the Director's ruling, the applicant may appeal under Section # 23(2). With respect to the right of appeal, as was previously offered by the City Solicitor at the 19 October 1988 meeting of the Committee of the Whole Council, Council has the right to overturn the Director's decision if he made an error when applying the law or if the applicant alleges discrimination.

With respect to Item # 3, Section 21(5) (new) 'off street parking area,' a review reveals that approximately 95% of 1989 automobiles are less than 18 ft. (5.5m) in length. (The attached chart is provided for Council's review.) Staff recommends relaxing the existing requirements for an off street parking area from 9'X20' (2.7m X 6.1m) to 9'X18' (2.7m X 5.5m).

Reduction to 16 ft. would result in 35% or more of cars encroaching over the sidewalk using the 1989 model year. Previous year models in excess of 16 ft. in length is much higher than 35%.

Question:

A brief discussion ensued with Deputy Mayor R. Grant asking if any consideration had been given to the difficulties with driveways located in the front of homes. Deputy Mayor R. Grant noted that some of these driveways were in existence in the older part of the City and in some of the newer areas driveways are being installed between the house line and the front door. Deputy Mayor R. Grant asked if this aspect of driveways should be considered in conjunction with this Ordinance.

Response:

Respecting the location of driveways in front of homes (between the house line and the front door) the City of Halifax Land Use Bylaw Peninsula area, with certain exceptions, permits such an activity. The section of the Land Use Bylaw for Mainland Area does not permit such an activity. In general, the nature and intent of Ordinance = 180 pertains to on-street activity. Parking between the front door and the house line should be reviewed relative to the Zoning Bylaw.

Lastly, further to the nine amendments offered in the 4 November 1988 report, two additional amendments, Items # 10 and 11, should be added:

Item # 10 Section 21(3) is amended by deleting the word "commercial" and substituting therefor the word "non residential." This amendment addresses institutional use or zoned lots which was not previously covered.

Item #11 Section 21(1) is amended by deleting the semi-colon at the end of subsection (1) and adding the words "except that a semi-detached dwelling or townhouses constructed on one lot will be permitted one driveway per dwelling unit." This Item replaces Item # 3 in the 4 November 1988 staff report.

It is recommended that Council adopt the Amendments to Ordinance #180 as included with the 4 November 1988 report, with the following changes:

(a) in Section 21(5), replace the figure 6.1m with 5.5m;

(b) in Section 21(3), replace "commercial" with "non-residential", and

(c) replace the amendment to Section 21(1) in the 4 November 1988 report with the amendment to Section 21(1) in the 28 November 1988 report.

PAUL CALDA, P. ENG.,
CITY MANAGER

JDB/rem

Attachment

Prepared by: J. D. Bauld, Management Assistant

Approved by: Peter S. Connell, P. Eng., Director, Eng. & Works
D. F. Murphy, Q.C., City Solicitor

1989 Model Year

CARS Make/Model	Body Style	Wheelbase (inches)	Overall Length (inches)	
SUBCOMPACT				
Passport i-Mark	3 DR	94.5	157.9	
	4 DR	94.5	160.7	
Chevrolet Cavalier	4 DR	101.2	178.4	
Dodge Expo	5 DR	99.1	163.2	
Dodge Shadow	4 DR	97.0	171.1	
Ford Escort	3 DR	94.2	169.4	
	5 DR	94.2	166.0	
Mazda 323	3 DR	94.5	161.8	
	4 DR	94.5	169.7	
Mercury Tracer	3 DR	94.7	162.0	
	5 DR	94.7	162.0	
Dodge Colt 200	2 DR	93.9	158.7	
	4 DR	96.7	170.1	
Nissan Sentra	2 DR	95.7	168.7	
	4 DR	95.7	168.7	
Plymouth Expo	5 DR	99.1	163.2	
Plymouth Sundance	4 DR	97.0	171.1	
Pontiac Sunbird	4 DR	101.2	175.4	
Passport Optima	3 DR	99.2	163.7	
	4 DR	99.2	172.4	
Toyota Corolla	4 DR	95.7	170.3	
COMPACT				
Buick Skylark	2 DR	103.4	180.0	
	4 DR	103.4	180.0	
Chevrolet Beretta	2 DR	103.4	187.2	
Chevrolet Corsica	4 DR	103.4	183.4	
Dodge Aries LE	2 DR	100.3	178.6	
	4 DR	100.3	178.6	
Eagle Medallion	4 DR	102.4	183.2	
Ford Tempo	2 DR	99.9	176.7	
	4 DR	99.9	177.0	
Mazda 626	4 DR	101.4	179.3	
Mercury Topaz	2 DR	99.9	176.7	
	4 DR	99.9	177.0	
Dodge 2000 GTX	4 DR	102.4	183.9	
Nissan Stanza	4 DR	100.4	177.8	
Oldsmobile Cutlass Calais	2 DR	103.4	178.8	
	4 DR	103.4	178.8	
Plymouth Reliant LE	2 DR	100.3	178.6	
	4 DR	100.3	178.6	
Pontiac Grand Am	2 DR	103.4	177.5	
	4 DR	103.4	177.5	
Subaru Sedan (2WD)	4 DR	97.2	174.6	
Subaru Sedan (4WD)	4 DR	97.0	174.6	
Toyota Camry	4 DR	102.4	182.1	
Toyota Celica	2 DR	99.4	173.6	
	3 DR	99.4	171.9	
Volkswagen Golf GL	4 DR	97.3	158.0	
Volkswagen Jetta GL	4 DR	97.3	171.7	
INTERMEDIATE				
Buick Century	2 DR	104.9	192.1	X
	4 DR	104.9	192.1	X
Chevrolet Celebrity	2 DR	104.9	188.3	
	4 DR	104.9	188.3	
Chrysler LeBaron GTS	4 DR	103.1	180.3	
Chrysler Dynasty	4 DR	104.3	192.0	X
Dodge Lancer	4 DR	103.1	180.3	
Dodge Spirit (New)	4 DR	103.3	181.2	
Eagle Premier	4 DR	106.0	192.8	X
Ford Taurus	4 DR	106.0	188.4	
Mercury Sable	4 DR	106.0	192.2	X
Oldsmobile Cutlass Ciera	2 DR	104.9	190.3	
	4 DR	104.9	190.3	
Plymouth Acclaim (New)	4 DR	103.3	181.2	
Pontiac 6000	4 DR	104.9	188.8	
Toyota Cressida	4 DR	104.5	187.8	

Average Length

13.9 ft. = 4.2 m

14.8 ft. = 4.49 m

15.6 ft. = 4.7 m

*Fuel economy based on 1989 Transport Canada estimates on automatic transmission equipp

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Model Year

CARS

Make/Model	Body Style	Wheelbase (inches)	Overall Length (inches)		Average Length
SPECIALTY INTERMEDIATE					
Buick Regal	2 DR	107.5	192.2	X	
Chrysler LeBaron Coupe	2 DR	100.3	184.9		
Ford Probe	2 DR	99.0	177.0		15.9 ft. = 4.8 m
Ford Thunderbird	2 DR	113.0	198.7	X	
Mercury Cougar	2 DR	113.0	198.7	X	
Oldsmobile Cutlass Supreme	2 DR	107.5	192.1	X	
Pontiac Grand Prix	2 DR	107.5	193.9	X	
Volvo 760	4DR		191.2		
FULL-SIZE					
Buick LeSabre	2 DR	110.8	196.5	X	
	4 DR	110.8	196.5	X	16.8 ft. = 5.1 m
Chevrolet Caprice	4 DR	116.0	212.2	–	
Ford LTD Crown Victoria	4 DR	114.3	211.0	–	
Mercury Grand Marquis	4 DR	114.3	214.3	–	
Oldsmobile Delta 88	2 DR	110.8	196.1	X	
	4 DR	110.8	196.1	X	
Pontiac Bonneville	4 DR	110.8	198.7	X	
LUXURY					
Buick Electra	4 DR	110.8	197.0	X	
Buick Riviera	2 DR	108.0	198.3	X	
Cadillac DeVille	2 DR	110.8	202.3	X	
	4 DR	113.8	205.3	–	
Cadillac El Dorado	2 DR	108.0	191.4		
Cadillac Fleetwood	2 DR	110.8	202.3	X	16.7 ft. = 5.0 m
	4 DR	113.8	205.3	–	
Cadillac Brougham	4 DR	121.5	221.0	✓	
Cadillac Seville	4 DR	108.0	190.8		
Chrysler New Yorker/ New Yorker Landau	4 DR	104.3	193.6	X	
Lincoln Continental	4 DR	109.0	205.1	–	
Lincoln Continental Mark VII	2 DR	108.5	202.8	X	
Lincoln Town Car	4 DR	117.3	219.2	✓	
Mazda 929	4 DR	106.7	193.1	X	
Oldsmobile 98 Regency	4 DR	110.8	196.4	X	
Oldsmobile Toronado	2 DR	108.0	187.5		

STATION WAGONS

COMPACT AND INTERMEDIATE				
Buick Century	104.9	191.0		
Chevrolet Cavalier	101.2	174.5		
Chevrolet Celebrity	104.9	190.8		
Ford Escort	94.2	169.4		
Ford Taurus	106.0	191.9		15.2 ft. = 4.6 m
Mazda 323 Wagon	94.5	169.7		
Mercury Tracer	94.7	169.7		
Mercury Sable	106.0	192.2	X	
Olds Cutlass Cruiser	104.9	194.4	X	
Pontiac Sunbird	101.2	176.5		
Pontiac 6000	104.9	193.2	X	
Toyota Camry	102.4	183.1		
Toyota Corolla	95.7	171.5		
Volvo 240		193.7X		
FULL-SIZE				
Buick Electra Estate	115.9	220.5	✓	18 ft. = 5.5 m
Chevrolet Caprice Classic	116.0	215.7	–	
Ford LTD Country Squire	114.3	216.0	✓	Notes: Denotes ≥ 18'✓ (6 types)
Mercury Colony Park	114.3	219.0	✓	≥ 17'- (14 types)
Oldsmobile Custom Cruiser	116.0	220.3	✓	≥ 16'x (41 types)
Pontiac Safari	116.0	215.1	–	

› Rear seat up

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APPENDIX III: Land Use Bylaw Regulations Affecting Parking in Residential Zones

Peninsula Section

Definitions

1 In this Bylaw:

(o) "Front Yard" shall mean a yard extending across the full width of the lot from the street line of the lot to the front wall of the building.

(rr) "Street Line" means the boundary of a street.

General Provisions

6(3) Such accommodation, as required by subsection (2) of this Section, shall:

(a) in an R-2 Zone, be exclusive of the area of the front yard and entrance or driveway leading to such parking space;

6(10) Notwithstanding anything contained in this Bylaw, there shall be no parking of motor vehicles, trailers or boats between the street line and the building line.

13(1) For the purpose of this section, "trailer" shall mean a trailer as defined in Chapter 184 of the Revised Statutes of Nova Scotia, 1954, the Motor Vehicle Act.

13(2) No person shall in any R-1, R-2 or R-3 Zone use any lot for the parking or storing of any boat or trailer.

13(3` Notwithstanding the provisions of subsection (2) hereof, the owner or occupant of any dwelling unit or lot, building, or structure in any R-1, R-2 or R-3 Zone may store or park:

(a) one boat, which shall not exceed twenty-three feet in length, with or without boat trailer, which shall not exceed twenty-three feet in length, exclusive of hitch or tongue; and

(b) a trailer or trailers, none of which shall exceed twenty-three feet in length, exclusive of hitch or tongue upon such lot, subject to the following regulations:

A. Where lands are used for an apartment house, the boat and trailer shall be located within a building and shall only be permitted in spaces or areas that are in addition to the number of parking spaces required for the parking or storage of motor vehicles for such buildings.

B. Where lands are used for any other purpose:

(i) the boat and trailers shall be located within the dwelling, a garage or carport, or located to the rear line drawn between two adjacent buildings extending from the front wall of the building which is further from the street, such line being parallel to the street line;

(ii) where a side lot line abuts a street, any boat and trailers parking or stored shall be located no closer than the established setback of the main building or ten feet from such side lot line, whichever is the greater distance;

(iii) where the rear lot line abuts a street, any boat and trailers parked or stored shall be located not less than twenty-five feet from such rear lot line."

13(4) Notwithstanding subsections (2) and (3) hereof, the owner or occupant of any dwelling unit or lot, building or structure in any R-1, R-2 or R-3 Zone may park for the purpose of loading and unloading not more than either one boat or one trailer at any one time on such lot.

13(5) Notwithstanding subsections (2) and (3) hereof, where lands are used for purposes other than apartments, the limitation imposed therein shall not restrict the number of such boats or trailers that are fully enclosed within a garage or dwelling, provided the same are owned by the owner or occupant of such dwelling unit or lot, building or structure or a member of his family."

15 Notwithstanding anything in this Bylaw, the Council may, after Public Hearing if deemed necessary, permit the modification of the yard or lot area or width regulations herein, provided that:

(a) the amenity, convenience, character and value of

neighbouring properties will not be adversely affected;

(b) conditions necessitating such modification are unique to the lot and have not been created by either the owner of such lot or the applicant;

(c) the modification is necessary to secure an appropriate development of the lot where such lot is of such restricted area that it cannot be appropriately developed without such modification.

R-1 Zone (Single Family Zone)

29 With the exception of those streets shown on the attached building line plan, a front yard shall be provided of not less than 15 feet in depth. In the case of those streets shown on the "Building Line Plan", the front yard requirements shall be as indicated on that plan.

34E Notwithstanding the provisions of Subsection 27(1), a detached one-family dwelling house which was in existence on the date of adoption of this Section of this Bylaw within the "South End" and "Peninsula Centre" areas as shown on Zoning Map ZM-16, may be permitted to convert to a maximum of 3 units, provided that:

(a) there is no increase in height or volume and that the external dimensions of the building have not changed from the date of adoption from this section of the Bylaw;

(b) where a conversion is to two dwelling units, one of the dwelling units shall be a minimum of 1,000 square feet, and where the conversion is to three dwelling units, two of the dwelling units shall be a minimum of 1,000 square feet (the external dimensions of the building shall not be enlarged after the conversion); and

(c) one parking space per dwelling unit is provided.

R-2 Zone (General Residential Zone)

38 Front and Rear Yards - The requirements of Sections 27 to 34 inclusive above shall apply.

41 A building in existence on or before the 11th of May, 1950 may be converted into a duplex dwelling provided that the building, after conversion, complies with the following:

(a) A duplex dwelling containing not more than a total of five habitable rooms be permitted on a lot containing an area of not less than 3,300 square feet.

(b) A duplex dwelling containing not more than a total of eight habitable rooms be permitted on a lot containing an area of not less than 4,400 square feet.

(c) Lot coverage - maximum lot coverage shall be 35 percent.

(d) One separately accessible parking space at least 9 feet by 20 feet shall be provided on the lot for each of the two dwelling units, exclusive of the area of the front yard and the entrance or driveway leading to such building.

43E Notwithstanding the provisions of Sections 37 to 43 inclusive with respect to lot size and lot frontage, buildings erected, altered or used for R-1 or R-2 uses in the "Peninsula Centre" area as shown on Zoning Map ZM-16 shall comply with the following requisites:

(b) for each unit which is 800 square feet or greater, one parking space and 300 sq. ft. of open space shall be required, and for dwelling units less than 800 square feet, one parking space shall be required for each two dwelling units, and 50 square feet of open space for each unit.

R-2A Zone (General Residential Conversion and Townhouse Zone)

43AA(1) The following uses shall be permitted in any R-2A Zone;

(b) additions to or conversions of existing buildings existing on September 17, 1987, to a maximum of 14 units, provided that 50 percent of the dwelling units are a minimum of 800 sq.ft. provided that the area of ground covered by the addition is not greater than the area covered by the existing building and provided that the lot coverage is not greater than 40 percent;

43AD(1) For uses constructed under the provisions of Section 43AA(1) (b) above and for three and four unit apartment buildings, one parking space shall be required for every two dwelling units, each of which is less than 800 square feet, and one parking space shall be required for each dwelling unit 800 square feet or greater, such

spaces to be exclusive of the front yard and the entrance or driveway leading to such.

43AD(2) One separately accessible parking space at least 9 feet by 20 feet shall be provided for each row house, exclusive of the area of the front yard and the entrance or driveway leading to such building.

43AF Notwithstanding the provisions of Section 29 of this section of this Bylaw, any R-2A use constructed after the date of adoption of this section of this Bylaw in the "South End" areas as shown on Zoning Map ZM-16 shall have a front yard setback not less than the setback of the majority of buildings having the same setback on the same side of the same block in which the building is constructed. For purposes of the setback:

(i) the same setback shall be deemed to mean the setback of buildings within limits of up to plus or minus two feet (+/- 2 feet);

(ii) where there is no majority of buildings with the same setback on the block, the setback shall be identical to that of the adjacent building on either side of the proposed development which is closest to the street line;

(iii) the calculation of the setback shall be provided by the applicant for the development as part of the application.

Mainland Section

General Provisions

9(a) The owner of a building shall provide off-street automobile parking space according to the following:

(i) Every building hereafter erected or altered for use as a dwelling shall therein or upon such lands appurtenant hereto provide and maintain accommodation for the parking or storage of motor vehicles for the use by the occupants of such dwelling;

(ii) Such accommodation shall consist of one parking space for each dwelling unit contained in such dwelling;

(iii) Such parking spaces for R-1, R-2, R-2P and R-2AM uses shall be exclusive of the area of the front yard and entrance or driveway leading to such parking space;

(iv) Parking space for R-3 and R-4 uses shall be exclusive of the area of the entrance or driveway leading to such parking space provided, however, that such parking space shall not be situated within 5 feet of any official street line nor within 5 feet of any door or window serving a habitable room;

(v) Parking space located in the front of a building shall be screened from the street by hedging, fencing, or other means;

11 For the purpose of Sections 9 and 10, each parking space required for a motor vehicle must be separately accessible and measure at least 9 feet wide and 20 feet long.

12 Notwithstanding anything in this Bylaw, the Council may, after Public Hearing if deemed necessary, permit the modification of the yard or lot area or width regulations herein, provided that:

(a) the amenity, convenience, character and value of neighbouring properties will not be adversely affected;

(b) conditions necessitating such modification are unique to the lot and have not been created by either the owner of such lot or the applicant;

(c) the modification is necessary to secure an appropriate development of the lot where such lot is of such restricted area that it cannot be appropriately developed without such modification.

14I(1) For the purpose of this section, "trailer" shall mean a trailer as defined in Chapter 184 of the Revised Statutes of Nova Scotia, 1954, the Motor Vehicle Act.

14I(2) No person shall in any R-1, R-2 or R-3 Zone use any lot for the parking or storing of any boat or trailer.

14I(3) Notwithstanding the provisions of subsection (2) hereof, the owner or occupant of any dwelling unit or lot, building, or structure in any R-1, R-2 or R-3 Zone may store or park:

(a) one boat, which shall not exceed twenty-three

length, exclusive of hitch or tongue; and

(b) a trailer or trailers, none of which shall exceed twenty-three feet in length, exclusive of hitch or tongue upon such lot, subject to the following regulations:

A. Where lands are used for an apartment house, the boat and trailer shall be located within a building and shall only be permitted in spaces or areas that are in addition to the number of parking spaces required for the parking or storage of motor vehicles for such buildings.

B. Where lands are used for any other purpose:

(i) the boat and trailers shall be located within the dwelling, a garage or carport, or located to the rear line drawn between two adjacent buildings extending from the front wall of the building which is further from the street, such line being parallel to the street line;

(ii) where a side lot line abuts a street, any boat and trailers parking or stored shall located no closer than the established setback of the main building or ten feet from such side lot line, whichever is the greater distance;

(iii) where the rear lot line abuts a street, any boat and trailers parked or stored shall be located not less than twenty-five feet from such rear lot line.

14I(4) Notwithstanding subsections (2) and (3) hereof, where lands are used for purposes other than apartments, the limitation imposed therein shall not restrict the number of such boats or trailers that are fully enclosed within a garage or dwelling, provided the same are owned by the owner or occupant of such dwelling unit or lot, building or structure or a member of his family.

R-1 Zone (Single Family Dwelling Zone)

21 Buildings erected, altered or used for R-1 uses in an R-1 Zone shall comply with the following requirements:

(e) every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building.

R-2 Zone (Two-Family Dwelling Zone)

26 Buildings erected, altered or used for R-2 uses in an R-2 Zone shall comply with the following requirements:

(e) Every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building;

R-2P Zone (General Residential Zone)

28AB(1) Buildings erected, altered or used for R-1, R-2 and R-2P in an R-2P Zone shall comply with the following requirements:

28AB(2) Front yard shall be 15 feet minimum;
Rear yard shall be 20 feet minimum.

Schedule "K"

68(1) Any area of land shown as Schedule "K" shall be a Comprehensive Development District.

68(2) No development permit shall be issued for a development in a Schedule "K" unless the proposed development has been approved by a resolution of Council.

68(3) The purpose for which land within a Schedule "K" area is to be developed shall be primarily residential, and an emphasis shall be placed on a mix of housing types; shall include provision for local commercial uses that are intended to serve the residents of the immediate area, and community facilities for the use of residents in the immediate area; and shall include provision for automobile, transit, and pedestrian circulation; and an emphasis on conservation of natural environment features including lakes and waterways, mature trees, and natural

topographic features. In addition to the above, Council may consider provision for commercial uses in accordance with the policies of the Municipal Planning Strategy.

68(4) For greater certainty, but without limiting the general powers of Subsection 68(3) above, the following uses may be permitted;

(a) detached one family dwellings;

(b) semi-detached dwellings;

(c) duplex dwellings;

(d) apartment houses;

(e) attached houses;

(f) public park or playground;

(g) commercial uses;

(h) local commercial uses intended for the use of residents of the immediate area;

(i) a community centre;

(j) golf course;

(k) uses accessory to any of the foregoing uses.

68(5) An application for a development permit in any Schedule "K" area shall be submitted in two stages, the first stage of which shall be a tentative plan that shall include the following information for the entire area of land owned by the applicant which is designated as Schedule "K":

(a) A plan to a scale of 1" = 100' or 1" = 40', showing the following information:

(i) The location of the various uses and their areas;

(ii) Delineation of the various residential areas indicating for each such area its size and location, number of dwelling units (including number of bedrooms for each unit), types of dwelling units (i.e., townhouse, apartments, single family dwellings), parking layout and population density;

(iii) The location, size, shape, and surface treatment of public and private open spaces;

(iv) The proposed interior roadway system and connection to existing roadways including location of bus bays;

(v) Topography of the area showing contour intervals of not more than five feet of elevation, as well as an indication of soil coverage of the site;

(vi) All existing and proposed rights-of-way and easements, either public or private, within the area;

(vii) Description, size and location of the proposed community cultural facilities, community centres, etc.;

(viii) Description, size and location of proposed local commercial uses intended for the use of residents of the immediate area;

(ix) The uses and ownership of land abutting the area in question;

(x) A key plan with a scale between 1" = 200' and 1" = 1,320' showing the location of the site in relation to the surrounding communities;

(xi) General indication of how the phasing and scheduling is to proceed, if phasing is intended for the project.

(b) A plan to a scale of 1" = 100' and 1" = 40' showing an outline of the existing and proposed:

(i) roadways, walkways, rights-of-way and easements;

(ii) sanitary sewer system;

(iii) storm sewer system;

(iv) water system;

(v) surface drainage and means of disposal of the water;

(vi) street and walkway lighting;

(vii) telecommunication system;

(viii) electrical distribution system.

(c) A plan showing the overall drainage areas contributing to the flows of the area in question.

68(6) After holding a public hearing and considering the plan proposal submitted under Subsection 68(5), Council shall determine whether the applicant may proceed to final approval and on what conditions, if any, Council may refuse the proposal where, in the opinion of Council, the proposal is inconsistent with the purposes of Schedule "K" or Section 5 of this Bylaw.

68(7) In the event that Council does not refuse the application, the applicant shall provide:

(a) such information as required by Sections 63 and 64 of the Bylaw for that portion of the proposal for which the applicant is applying for a development permit;

(b) such additional information (final servicing plans, survey plan, etc.) as may be required by the Development Officer;

(c) the terms of the proposed agreement pursuant to Subsection (8).

68(8) Approval by Council under Section 68(6) shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as Council may direct.

68(9) Council shall consider the application for final approval and shall either approve the development or notify the applicant of the objectionable features of the final plan.

69(1) Notwithstanding any other provision of this Bylaw, Council may, after a public hearing and by resolution, approve the establishment of an amusement centre which would not otherwise be permitted by the Bylaw, provided that no approval shall be given inconsistent with the

that no approval shall be given inconsistent with the Municipal Planning Strategy or Section 7 of this Bylaw.

69(2) Approval by Council under Subsection (1) above shall only be granted subject to the condition that the registered owner of the land upon which the amusement centre is to be located shall enter into an agreement with Council containing such terms and conditions as Council may direct.

APPENDIX IV: Motor Vehicle Act Regulations Affecting Parking in Residential Zones

Interpretation

1 In this Act,

(t) "highway" means a public highway, street, lane, road, alley, park, beach or place and includes the bridges thereon;

(bl) "sidewalk" means that portion of a highway between the curb line and the adjacent property line or any part of a highway especially set aside for pedestrian travel and separated from the roadway;

(bu) "trailer" means a vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle and includes self-contained commercial units, such as compressors, generators, welders or other utility equipment or farm machinery, designed to be drawn by a motor vehicle;

Offence To Stop or Park

130 It shall be an offence for the driver of a vehicle to stop, stand or park the vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control signal or sign, in any of the following places:

(i) on a sidewalk;

Driving on Sidewalk

147 (1) Subject to subsection (2), the driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

Winter Parking

127 (1) Notwithstanding Section 126 no person wilfully shall park or leave standing a vehicle whether attended or unattended, upon a highway or any part thereof in such manner that it might interfere with or obstruct snow removal or winter maintenance operations on the highway.

Regulations for Emergency or Special Conditions

180 (1) The traffic authority is hereby empowered to make and enforce temporary regulations to cover emergencies or special conditions.

Regulations Respecting Winter Parking

(2) Such regulations may prohibit or restrict the parking of vehicles between the fifteenth day of November and the fifteenth day of April.

APPENDIX V: Ordinance #180
Regulations Affecting Parking in Residential Zones

2. In this Ordinance:

(5) **"Driveway"** means any area designated for or used by vehicles to enter or leave a street.

(8) **"Sidewalk"** means that portion of a street between the curb line and adjacent property line or any part of a street especially set aside for pedestrian travel and separated from the roadway.

PART I - STREET CLOSURES

3. No person shall make any opening or excavation in any street or place or cause to be placed any encumbrance or obstruction upon any street without the permission of the Director.

PART II - STREET ACCESS

16. (1) Where a lot has access to a street by a driveway, no person shall enter or leave such lot by vehicle except via the driveway.

(2) No person shall drive a vehicle over a curb.

17. Every driveway shall be constructed and maintained at the expense of the property owner of the lot served in conformance with the specifications contained in Appendix "A" attached hereto either by the City or under the supervision and inspection of the City, and no driveway shall be constructed unless and until permission has been granted by the Director.

18. Driveways shall be constructed and maintained so as to prevent surface drainage or water run-off from private property from being carried onto the roadway or sidewalk by means of the surface of a driveway.

19. The surface of all driveways shall be constructed and maintained so as to prevent dirt, dust and other nuisance from being carried by the wheels of vehicles or by other means onto the roadway surface.

20. The Director may refuse to issue a permit to construct a driveway, which does not conform to the following requirements with respect to driveway classifications and usage.

(1) No driveway shall be permitted to be constructed which

allows vehicles to both enter and leave a street where the driveway will be used by more than 100 vehicles in any one hour.

(2) Where more than 100 vehicles will enter or leave a street in any one hour the property owner may be permitted to construct separate driveways, one for egress and the other for access, subject to the following conditions:

(a) separate driveways shall not be permitted to join or meet the roadway at any angle less than a 45-degree angle;

(b) separate driveways shall be physically separated from other driveways and shall be clearly marked as an entrance or an exit with respect to the property the driveway will serve.

(c) separate driveways shall have a width greater than 3m and less than 7m at the point where the driveway joins the roadway.

(3) Driveways which are permitted shall not be permitted to join the roadway at any angle less than a 70-degree angle;

(a) two-way driveways shall not be permitted to join the roadway at any angle less than a 70-degree angle;

(b) two-way driveways which serve residentially used property shall have a width greater than 3m and less than 5m at the point where the driveway joins the roadway;

(c) two-way driveways which serve commercially zoned or institutionally zoned property or property used for commercial or institutional use shall have a width of greater than 7m and less than 10m at the point where the driveway joins the roadway.

21. The Director shall not issue a permit to construct a driveway which does not conform to the following requirements.

(1) no more than one driveway may be permitted to serve any residentially used or zoned lot which has less than 30m of frontage on a street;

(2) no more than two driveways may be permitted to serve any residential used or zoned lot which has less than 150m and more than 30m of frontage on a street;

(3) no more than two driveways may be permitted to serve any commercial use or zoned lot which has less than 30m of frontage on a street;

(4) no more than three driveways may be permitted to serve any lot which has less than 180m and more than 150m of frontage on a street. Any lots having more than 180m of frontage on a street may be permitted an additional driveway for each additional 150m of lot frontage on the street.

22. (1) The Director may refuse to permit a driveway to be located

(a) within 30m of a street intersection controlled by traffic signals;

(b) within 30m from the intersection of a major street;

(c) less than 5m from the intersection of a local street;

(d) on any street where the property to be served by the driveway, abuts and has reasonable access to another street that carries a less amount of daily traffic.

(2) Subsection 1 shall not apply to a lot which cannot otherwise obtain access to a street in compliance with the subsection.

23. (1) The Director may revoke a permit where there is a violation of:

(a) any condition under which the permit was issued; or

(b) any provision of this Ordinance.

(2) Any person who has been refused a permit or whose permit has been revoked may appeal the refusal or the revocation to City Council.

(3) All appeals shall be in writing, in the form of a notice, and filed with the City Clerk of the City within 15 days of the refusal or revocation and shall clearly state the grounds for the appeal.

(4) The Council shall hear the appeal at a time and place as it determines, and may confirm the refusal or revocation by the Director or direct the immediate issuance or reissuance of the permit by the Director, subject to

such conditions as Council may determine.

24. No person shall construct or permit to be used any gate or barriers that open into or encroach upon any portion of the street or that may in any way impede pedestrian or vehicular traffic.